G. R. S. 59] GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1899-00
191.
(Sepa Rev)

File No. 18-99

Serial Nos. 1-4

B
~~Papers~~ Filed.

Month June/900

SUBJECT.

The Sale of Toddy Shops in the Cantonment Bangalore

PREVIOUS REFERENCES.

LATER REFERENCES.

Contingencies
B Srinivasa Rao

S.R. 18-29

Jan 1886

1900 11577 31-5-900

From Asst. Resident in Mysore

REVENUE Gl. No. 7770 MAY 31 1900 No DEWAN'S OFFICE

Dewan

Rx 440

9

THE ~~SECY. TO THE GOVT~~ OF MYSORE,
~~GEN. & REV. DEPTS.~~

Dated 30/5/900

Despatched

Received

General No. 2592

No. 276-900

Enclosure No. 4

Forwarding 3 copies of his note No: 2534 of 26/5/900, regarding the sale of the nine toddy shops in the C & M Station for the year 1900 + 1901, &c.

Spence 31/5

References to be marked

No 2592
276 900

9

FROM

THE FIRST ASSISTANT TO THE RESIDENT

IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 30th May 1900.

SIR,

I am directed to forward herewith 3 copies of the Resident's Notification No. 1534 dated the 28th instant, regarding the sale of the nine toddy shops in the Civil and Military Station for the year beginning 1st July 1900 and ending with the 30th June 1901, and to ask you to kindly arrange for as wide publicity as possible being given to the Notification in the Bangalore City.

I have the honor to be,

Sir,

Your most obedient servant,

First Assistant Resident.

9/a

Notification.

No. 2534, dated the 28th May 1900.

NOTICE is hereby given that the right of selling Toddy in each of the nine shops in the Civil and Military Station of Bangalore, specified in the subjoined schedule, for the year beginning 1st July 1900, and ending with the 30th June 1901, will be put up to public auction. The sale will be conducted by the Collector, or by an Officer specially deputed with the sanction of the Resident for this purpose, in the Mayo Hall, at 12 noon on Tuesday the 5th June 1900.

II. Each bidder at the auction will deposit the sum of Rs. 25 previous to bidding. The shops will, subject to the provisions of the next succeeding clause, be knocked down to the highest bidder subject to formal confirmation by the Collector. Such formal confirmation will, unless revised by the Resident for special reasons, be tantamount to an acceptance of the bid and will be necessary whether the sale be held by the Collector himself or by any other officer deputed as mentioned in clause I. Parties intending to bid must attend either in person or by duly accredited agents.

III. It will be within the discretion of the officer conducting the sale to decline to accept any bid or deposit if, for any sufficient reason, he considers such acceptance to be undesirable.

IV. As soon as the auction is completed, the deposits made by the unsuccessful bidders will be returned to them on application. As the auction proceeds, the person whose bid is accepted for each shop, shall at once deposit a sum equal to half a month's rent for that shop in addition to the deposit required under clause II. Should he fail to do this, the deposit made by him under clause II shall be forfeited, the shop will at once be put up again for sale on the above conditions, and he will be debarred from bidding again for the same or any other shop.

V. Persons to whom shops have been knocked down, and who have made deposits as provided in clause IV shall also, within seven days from the date of auction, deposit such further sum as with the former deposits, will make up an amount equal to two months' rent of each shop knocked down to them, and shall take out licenses on the conditions hereinafter set forth.

VI. If on enquiry subsequent to sale, but before final confirmation thereof, the purchaser shall be found to be of doubtful solvency, he may be required to deposit twice the amount prescribed under clause V or to provide two sureties to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract. All expenses attendant upon this proceeding shall be borne by the renter.

VII. On the failure of any person to make deposit under clause V, or to take out licenses as aforesaid, or to comply, if required to do so with the requisition under clause VI, the deposits made under clauses II and IV will be forfeited, and the shop or shops re-sold or otherwise disposed of at the discretion of the Collector.

VIII. Re-sales effected under clause VII will be at the risk of the defaulting bidder, who will forfeit any gain that may ensue owing to a rise in price, and in the event of loss by re-sale, will make good the deficiency that may be occasioned through his default. In the latter case the forfeited deposits will be deducted from the loss arising from the re-sale and the remainder, if any, will be recovered from the bidder in the same manner as if it were an arrear of Land Revenue. Should however, the forfeited deposits be greater than the loss by re-sale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the privilege be disposed of otherwise than by re-sale and such disposal results in loss to Government.

IX. A purchaser at an auction sale or re-sale shall not be permitted to sell, transfer, or subrent the right he has acquired or any interest therein, without the

consent of the Collector, which for any adequate reason may be withheld. Nor shall he appoint any person to act as his agent in the management of the shop without the Collector's previous approval.

X. The purchaser of the shop is liable to the penalties prescribed for breaches of the conditions set forth below though a formal license may not have been issued to him.

CONDITIONS.

1. The privilege extends to the manufacture and sale of toddy, from date, cocoanut, sago, and dadasal palm trees in the territories of the Mysore State which, subject to the tree tax rules in force in the Mysore State, may be obtained in the groves assigned to the shops as specified in schedule B annexed, or from the trees in private lands, under private arrangement between the rented and the owners of such lands.

2. The amount for which the privilege above described has been purchased shall be payable into the Resident's Treasury in equal monthly instalments due on or before the 20th of each month commencing from 1st July 1900.

   If the deposit made by the licensee under clause V in the sale Notification be in cash, it will be taken in payment of the instalments due on the last two months of the period of the rent. Failing payment by the 20th of the month, the Collector shall at once proceed to recover the arrears together with interest at 6%, under the rules in force for the collection of land revenue. If the instalment has not been paid by the 5th of the following month the Collector may suspend or cancel the license and issue notice of re-sale, and may re-sell the license on the day fixed with effect from the date of its issue to the new purchaser. In that case the deposit will be forfeited, and if it should fall short of the arrears due and the loss, if any, caused by the suspension or re-sale, the original licensee will be responsible for the difference which will be recovered under the rules in force for the collection of land revenue. If the Collector does not re-sell the shop he may make other arrangements as may appear advisable for the remainder of the lease, in which case he shall serve a notice upon the defaulting licensee informing him of the nature of the arrangement made. No remission or abatement of the rent shall, on any account whatever, be claimable by the licensee.

3. The licensee of every shop shall pay a registration fee of Rs. 25 to the credit of the Assigned Tract into the Resident's Treasury in two half yearly instalments.

4. The licensee shall place the license granted to him in a conspicuous place in the shop, which shall be located in a building to be approved of by the Collector, but not in the same premises with a depôt or shop for the sale of any other kind of intoxicants than toddy. The room used for the shop shall always be separate from the shopkeeper's dwelling house. The shop shall have only one door which shall face the street and there shall be no windows or other openings to the rear or ends of the building. No second room shall be allowed for the sale of liquor or for the use of customers.

5. The licensee shall fix in a conspicuous part of the front of his shop a sign board on which his name, the liquor he is licensed to sell and the number of his license shall be legibily inscribed in the vernacular language of the locality in which the shop is situated.

6. The licensee shall maintain a sufficient supply of toddy in his shop which shall never be less than two Imperial gallons. The toddy shall not be diluted or adulterated. No toddy unfit for consumption shall be kept in the shop; such toddy shall be removed for vinegar under a permit which may be granted by the Superintendent of Excise or be destroyed in the presence of an Excise Officer. It shall rest with the Superintendent of Excise to decide as to whether the toddy is fit for consumption as toddy or not.

The licensee shall prevent all drunkenness or disorder or gaming within his shop. Persons suffering from leprosy or other contagious diseases shall not be employed in selling toddy or transporting toddy for sale. The licensee shall not harbour robbers, thieves or riotous persons but shall give information to the nearest Magistrate or Police Officer as to any such persons who may resort to his shop.

8. The licensee shall not receive any grain, jewels, goods, wearing apparel, or other article in barter or pawn for toddy, neither shall any credit be given. Payment for toddy shall be made in ready money only at the time of sale.

9. The licensee shall not allow any quantity of toddy however small to be conveyed from the premises except on special passes, which may be obtained for special reasons only, from the Collector or the Superintendent of Excise.

10. The licensee shall not open his shop before sunrise nor keep it open after 9 P. M., except on special permit to be obtained from the Collector or the Superintendent of Excise.

11. The licensee shall not sell nor give any toddy to any European non-commissioned officer, private soldier or to any European or Eurasian camp follower or to any members of the families of any of the aforesaid persons, nor to any sepoy, member of the police or excise department or servant of a railway company whilst on duty nor to any European vagrant under escort of the Police nor to any child under twelve years of age. Neither shall he sell toddy to any one at less than one anna per seer.

12. The licensee shall not permit prostitutes or persons of notoriously bad character to meet or remain in the shop, neither shall he harbour or conceal soldiers or others knowing or having reason to believe such soldiers or others to be deserters.

13. The Collector or the Superintendent of Excise may direct that the shop shall be temporarily closed on the grounds of police administration or expediency. No remission or compensation shall be claimed if it is found necessary to enforce this clause.

14. The licensee shall keep a true account showing the quantity of the toddy received in his shop, the quantity sold, the prices at which sold, and the quantity remaining unsold each day. Such account shall be produced for the inspection of the Collector, or any Excise Officer not below the rank of Sub-Inspector or any Police officer not below the rank of Inspector. An inspection note book with the pages numbered consecutively shall also be maintained intact at each shop at the licensee's cost so that officers who may inspect the shop may enter their remarks therein. This note book shall be handed over to the Collector or any officer authorised by him to receive it, whenever it is demanded. The licensee shall furnish such other returns and information as may from time to time be required by the Collector or the Superintendent of Excise.

15. No foreign liquors or country spirits or country beer or any other liquor than that to which the license relates shall be kept or sold in the building covered by this license. Nor shall any ganja, opium or any preparation thereof or therefrom be kept or sold in the building.

16. The licensee shall not possess or use any measures other than those which may be from time to time prescribed by Government and he shall have them tested and stamped at his own expense by the stamping establishment of the Collector's office. The present measure is fixed at $\frac{1}{4}$th of the Imperial gallon.

17. In case of any breach of the conditions of the license, either by the licensee or by any person in his employment, it shall be competent,

for the Collector to impose upon the licensee a fine not exceeding Rs. 10 for every such breach of such conditions or to declare the money deposited with him forfeited and to cancel and resell the licen at the risk of the licensee, and all loss thereby caused shall be made good by the licensee. When a license is cancelled, the rent for the whole period shall become due at once and it shall be recovered as if it were an arrear of land revenue.

18. The imposition of a fine, or the forfeiture of deposit, or the cancellation of the license under the last preceding section shall not be held to prevent the prosecution of the licensee or any of his servants for any offence which may be committed against the Excise Laws or Rules in force.

19. If it comes to the knowledge of the Collector that the licensee fails to open his shop or to carry on his business with due care and attention or that he has been convicted of an offence under the Indian Penal Code, or under the Excise Laws or Rules, it shall be lawful for the Collector to cancel the license and to re-sell or otherwise dispose of the privilege at the risk of the licensee.

20. The licensee shall not have any pecuniary dealings of any kind whatever with any of the Excise or Revenue officials.

21. The licensee shall not transfer his license by sale, gift, mortgage or otherwise and no other person or persons than those mentioned in the license shall have power to act under it.

22. Sale of toddy shall be made only in the shop for which the license has been granted and not elsewhere on any pretext whatever.

23. General permits for the transport of toddy from the frontier line of the Civil and Military Station to the shops will be granted by the Superintendent of Excise. No transport of toddy without a permit will be permitted.

24. The licensee shall be bound by any additional rules as may be prescribed under the Excise Law now in force, or which may hereafter be enacted, and shall, on requisition by the Collector, or by any officer duly authorised by the Collector, deliver up this license for amendment or for the issue of a fresh license accordingly.

"By Order,"

H. R. C. DOBBS,

First Assistant to the Resident.

Appendix A.

Abstract of Tree-tapping Rules in Mysore.

The tree-tapping rules in Mysore provide as follows so far as the Civil and Military Station of Bangalore is concerned.

1. Tree-tapping licenses in the prescribed form shall be issued on the application of toddy shop-keepers in British Territory desirous of obtaining toddy from trees growing in the Mysore territory but free from payment to the Mysore Government of the tree-tax prescribed in clause 8 below. The licenses may be issued in the name of applicant himself or of his nominees.

2. Applications for the grant of tree-tapping licenses must be made in the prescribed form to the Excise Supervisor of the Range concerned. Forms may be obtained from him or the Inspectors under him. They must bear a court fee stamp of one anna.

3. Applications for tree-tapping licenses for trees in occupied or alienated lands, should be countersigned by the owner of the trees intended to be marked in token of his consent.

4. On receipt of an application the Supervisor will at once take steps for the marking of the trees by an Officer superior in rank to an Examiner and for the timely issue of the license.

5. Deputy Commissioners may, subject to orders of the Excise Commissioner from time to time, prescribe the minimum number of trees for which licenses will be granted and the minimum number to be entered in a single application. They may also direct that the trees situated in one village only shall be included in an application.

6. No trees shall be tapped, nor shall toddy be drawn from any toddy tree, nor shall any pot be attached to any toddy tree, until the tree has been marked by the proper Officer. But the preparation of the spathes for the drawing of toddy is permitted as soon as the application in the prescribed form has been delivered to the Supervisor.

7. For all toddy-yielding trees, tree-tapping licenses shall be annual.

8. No tree is to be tapped for toddy with a license therefor to be obtained by payment of tree-tax at the following rates :—

Tree.	Tree-tax for each tree per annum including local cess.		
	Rs.	A.	P.
Date	1	1	0
Cocoanut	2	2	0
Palmyra	1	9	6
Bagani or Sago palm	1	9	6
Dadasal (Arenga wightii)	0	8	6

9. Tree rent at 4 annas per tree with local cess thereon shall be levied for Government trees tapped for the supply of shops in the Civil and Military Station of Bangalore and those outside the territories of Mysore.

10. A shop-keeper or renter in the Civil and Military Station of Bangalore desiring to obtain toddy from trees growing in the Mysore territory will pay into the Resident's Treasury the tree tax on the trees which he proposes to tap. The Treasury Officer after satisfying himself that the applicant is a person who is entitled to take out a tree-tapping license will grant a receipt with this fact certified at the foot.

11. The applicant will then proceed to make an application to the proper Mysore authorities in accordance with the tree-tapping rules in force in that State. The Mysore authorities concerned will accept the receipt and certificate

as evidence that the amount mentioned has been paid, and that the applicant is a person by whom an application for a tree-tapping license may be made. It must, however, be distinctly understood that licenses may be refused at discretion in the case of trees reserved by the Excise Department for the purpose of giving them rest or for other reason considered sufficient by the Officer refusing the license. The issue of licenses, marking of the trees, &c., will be effected in precisely the same manner as if the applicant were a shop-keeper in the Mysore State, the number of trees to be licensed being calculated at the higher rate of the two, whether British or Mysore, if the rate is not the same on both sides of the frontier.

12. The Supervisor concerned in the Mysore State will issue Transport Permits to the frontier in the usual way, care being taken as far as possible to prescribe a route which does not involve the toddy approaching any Mysore toddy shops. The latter should not be located along any of the main routes by which toddy is exported to the Madras Presidency, if it can be avoided; and the attention of the Deputy Commissioner concerned, should be invited to the desirability of removing adjacent shops to a distance. It will be for the British Officer to grant permits from the frontier on to the destination of the toddy.

13. Transport Permits, for toddy exported by rail, will be given in batches of seven or any other requisite number one for each day to allow of a transport permit being invariably attached to the way-bill.

14. In the tree-tapping licenses granted on the application of British renters and shop-keepers the following rule will be inserted :—

> "All toddy drawn by the licensee shall, as soon as the pots containing it are removed from the trees, be immediately conveyed across the frontier into the Civil and Military Station, under a general transport permit granted by the Deputy Commissioner of the District or other duly authorised officer or person. Transfers of toddy even by way of gift between the time of drawing and crossing the frontier and tree-foot sales or sales in the open, or the disposal of the toddy in any other manner unauthorised by the rules in force are strictly prohibited."

15. Licenses to British shop-keepers to tap-trees in the Mysore State are granted in consideration of the payment of tree-tax to the British Government and are liable to cancellation at its request, or that of any Officer duly empowered by it in this behalf.

16. Every person to whom a tapping license is granted for the manufacture of toddy either for local consumption or for export to British territory, shall observe the following rules in tapping date trees :—

(*a*) Trees tapped one year shall not ordinarily be tapped the next year.

(*b*) Trees shall not be overtapped or overworked.

(*c*) In no date tree shall the initial incision be made at any point less than three feet from the ground except in places where permission is specially given.

(*d*) No date tree shall be cut to a greater depth than one-third of its diameter.

(*e*) Every fresh incision shall not be less than one foot above the last incision except in localities where permission is specially given.

(*f*) Not less than eight leaves should be left on each tree.

(*g*) The licensee shall not cut or injure or permit to be cut or injured the trees licensed to him or any other trees.

(*h*) The licensee or his employer will be liable to pay a fine of one rupee for each tree which may die from overtapping or careless tapping either during the lease or within six months after its expiration.

Toddy Schedule.

No. of license.	Locality.	Consumption in each shop for 9 months ending 31st March 1900.		Annual upset price for each shop.	Remarks.
		Ghadas.	Seers.		
1	No. 339—340 Old Poor House Road	2,575	16	Rs. 500	
2	„ 5 Nullah Road	2,257	18	„ 500	
3	„ 12 Nullah Road	2,264	3	„ 700	
4	„ 7 Knoxpet	818	6	„ 350	
5	„ 9 Markam Road	980	2	„ 150	
6	„ 151 Neelsandra	539	13	„ 150	
7	„ 90 Chandy Chouk Road	1,758	9	„ 500	
8	„ 23 Grass Cutter's Lane Cross Street	1,794	16	„ 700	
9	„ 207 Old Poor House Road	49	8	„ 150	

Appendix B.

List of palm groves in the Kunigal Taluk assigned to the shops in the Civil and Military Station.

Name of Taluk to which trees have been reassigned.	Name of village where the trees are situated.	Survey No.	Approximate No. of trees.	Remarks.
Bangalore Civil and Military Station.	Kanchagal pura Amanikere ...	1	420	
		4	206	
		8	95	
		9	35	
		33	40	
		55	58	
		72	226	
		73	71	
		127	27	
		137	305	
		189	889	
		221	300	
		228	160	
		40	30	
		22	7	
		Both sides of Nala from Survey Nos. 1 to 56. ...	500	
		Total.....	3,369	
	Kothipura	14	30	
		21	161	
		23	28	
		29	54	
		31	5	
		Village site	87	
		Footpath leading from Kothipura to Gavimata	60	
		Total.....	425	
	Herur	9 }	3,274	
		11 }		
		15	263	
		24	12	
		32	65	
		59	569	
		60	134	
		61	293	
		43	102	
		Lane leading from Herur to Chotnahalli ...	30	
		Total.....	4,742	
	Arakere	34	200	
		35	200	
		40	40	
		Total.....	440	
	Teppasandra	7	200	
		17	36	
		26	80	
		27	70	
		2, 3	115	
		41	120	
		42		
		Total.....	621	
	Lallapura	5	200	
		10	148	
		19	3,609	
		Total.....	3,957	
	Grand total trees allotted to Civil and Military Station of Bangalore...		13,554	

List showing the particulars of groves assigned in the Kankanhalli Taluk to the Civil and Military Station.

Serial No.	Name of the place where the grove is situated.	No. of fit date trees situated on		Remarks.
		Government unoccupied lands.	Occupied lands.	
1	Thodda Sathanalli	950	*4,100	*Though these trees were on occupied lands the occupiers had no control over them till the survey settlement was introduced into the taluk. The settlement having now been introduced, the occupiers are entitled to the trees. The renter of the Civil and Military Station shops should make his own arrangements, with the occupants concerning these trees.
2	Chickka Sathanalli	50	*600	

Residency Press, Bangalore.—30-5-1900.—50.

12,

Cl 2

Draft as per order

To

(10)

The Dy Commr

Bangalore Dt

No 8593 / Cu.T. 110/98 1/6/1900

Dated ~~May~~ 1900

In forwarding herewith a copy of the Resident's notifn no 25348 the 28th may 1900 regarding the sale of the nine toddy shops in the civil and military station for the year beginning ~~1900~~ 1st July 1900 & ending with the 30th June 1901, the Dy Commr is requested to be so good as to arrange at once for as wide a publicity as possible being given to the notification in the Bangalore city ~~& over~~ ~~date~~ and to report the fact of having done so to this Office ~~for early compliance~~

~~Communication to the~~

Residency.

"B. O."

VR
31/5/00

For Secretary

✓

8594
Rw 7.11 of 98. 31/5/00. hr

Copy to Excise Commr.

for information with copy
of the F. A. Resident's letter
no 2592
276.900 & 30th may 1900
and its enclosure.

"B. O."

VR
31/5/00

For Secretary

VG
31/5/00

Seen Cl.
5/6/00.

Submitted
VG 4/6/00.

Ex. G.O.

REVENUE DEPARTMENT
Gl. No. 835
N. 1900

1899/1900.

From The Dy. Commissioner,
of the Bangalore District.

11

To The Secretary to the
Government of Mysore
Revenue Dept.

Dated 18th

Despatched 19th June 1900

Received

General No.
D No. 1194

Enclosure No.
Government Docket No. 8593 Ex 7 11-98 of 1898
Reports that wide publicity
has been given in the City
to the notification regarding
the sale of toddy shops with
Civil and Military Station
for the year 1900-1901

Rev. (Excise)
20/6/1900

1194

Bangalore District
Dy. Commissioner's Office
Bangalore 18th June 1900

To,

The Secretary to the
Government of Mysore
Rev and Genl Departments

Sir

With reference to your docket No. 8593 / Ex F. 11-98 of the 1st Instant forwarding a Notification dated 28th May 1900, received from the Resident regarding the sale of toddy shops in the Civil and Military Station for the year 1900-1901, I have the honor to report that wide publicity has been given to the Notification in the city, as desired.

I have the honor to be
Sir
Your most obedient servant

Dy. Commissioner,
Bangalore District.

Gl 4

Draft for approval 15

To (12)

The First Assistt to the
Resident in mysore

Sir, No: 8813 / Ex 711 of 98 dt 25/6/00

In reply to yours

letter no 2592 / 276.900 of the 30th
ultimo ~~requesting~~ asking the Dubar
to arrange for as wide a publicity
as possible being given to the
~~not~~ Resident's notification
no 2534 & 28th may 1900, regarding
the sale of the 9 toddy shops in
the civil & military station for
the year 1900-1901, I am directed
to state that the Dy Commr
Bangalore reports that wide
publicity has been given to
the notification in the city
as desired.

I have &c
A 21/6/00

21/6/00 Secretary

KG 21/6/00

Subject 4 in the reply is better
the rules for it to give this reply